

REMARKS

In an Office Action dated November 3, 2005, the Examiner rejected claims 1-3, 10-12, 19, 22, 26, and 29 under 35 U.S.C. §102(b) as being anticipated by Womack et al. (U.S. patent no. 6,438,114, hereinafter referred to as "Womack"). The Examiner rejected claims 6-8, 15-17, 23-25, and 30-32 under 35 U.S.C. §103(a) as being unpatentable over Womack and rejected claims 5, 14, 21, and 28 under 35 U.S.C. §103(a) as being unpatentable over Womack in view of Dam et al. (U.S. patent no. 6,771,987). The Examiner objected to claims 4, 9, 13, 18, 20, and 27 as being dependent upon a rejected base claim but as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections and objections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-3, 10-12, 19, 22, 26, and 29 under 35 U.S.C. §102(b) as being anticipated by Womack. Claims 1 and 10 have been amended to provide a method and mobile station for transmitting uplink control data in a packet data communication system that includes, when a packet associated control channel is available, transmitting the control data via the packet associated control channel and in one or more intervening intervals, which intervening intervals each occurs between availabilities of the packet associated control channel and during which intervals the packet associated control channel is not available, transmitting the control data via an uplink timeslot allocated for the transmission of the control data. These features are not taught by Womack.

Womack is concerned with session set up using SIP (Session Initiation Protocol). Womack states that using a slow dedicated control channel (SDCCH) to set up and maintain a session results in excessively long data transfer times, while using a packet data channel, and in particular a packet associated control channel (PACCH), to set up and maintain a call results in excessive call set up latencies. As a result, Womack teaches using the PACCH to set up the call if the PACCH has already been set up and otherwise using the SDCCH to set up the call and switching to the PACCH for an exchange of TBFs (Temporary Block Flows) after the PACCH is set up. The SDCCH is used instead of the PACCH and during the set up of the PACCH, not in combination with the

PACCH, and no solution is presented to the problem that the PACCH is a discontinuous channel. That is, nowhere does Womack address the problem of the PACCH's discontinuous nature and Womack does not teach how to make a discontinuous control channel persistent. By contrast, claim 1 solves the problem of a discontinuous control channel by transferring PACCH-related control data via the PACCH when the PACCH is available and by transferring the data via a time slot allocated for a transfer of PACCH-related control data during intervening intervals, which intervening intervals each occurs between availabilities of the PACCH and during which intervals the packet associated control channel is not available. These features are not taught by Womack. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Claims 2 and 11 teach that transmitting the control data when a packet associated control channel is not available comprises transmitting the control data via a virtual associated control channel that comprises at least one timeslot allocated by a network for transmission of the control data. The SDCCH is a dedicated resource. Womack may teach using the SDCCH to gain packet access at the start, but as a dedicated resource the SDCCH cannot be used to provide the virtual control channel taught by claims 2 and 11.

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Womack in view of Dam, noting that Womack does not teach user of an uplink State Flag but that Uplink State Flags (USFs) are taught by Dam. However, there is no means for using a USF with an SDCCH, and since the SDCCH is a dedicated channel there is no need to send a flag and, further, there is no associated channel to send the flag in. Therefore, the applicants respectfully contend that the Examiner has improperly combined the teachings of Womack and Dam.

Therefore, for the reasons stated above and since claims 2-9 and 11-18 respectively depend upon allowable claims 1 and 10, the applicants respectfully request that claims 2-9 and 11-18 may now be passed to allowance.

Claims 19 and 26 each teaches a transfer of uplink control data in a packet data communication system including receiving a request for a persistent, packet associated control channel and, in response to receiving the request, conveying an allocation of an

uplink timeslot for use in transmitting the control data during one or more intervals between availabilities of a packet associated control channel, during which intervals a packet associated control channel is not available. As noted above, Womack does not teach how to make a discontinuous uplink control channel, such as a PACCH, persistent. Therefore, the applicants respectfully contend that the features of claims 19 and 26 are not taught by Womack and request that claims 19 and 26 may now be passed to allowance.

Since claims 20-25 depend upon allowable claim 19 and claims 27-32 depend upon allowable claim 26, and further since the SDCCH taught by Womack cannot be used to provide a virtual control channel and would not utilize a USF, the applicants respectfully request that claims 20-25 and 27-32 may now also be passed to allowance.

New claims 33-36 have been added to the application. Support for these claims may be found on page 8, line 24, to page 9, line 30, of the application. An SDCCH does not report channel measurements. Therefore, the SDCCH taught by Womack does not teach the features of claim 33 of a method for transmitting uplink control data comprising channel measurements, which method includes, when a packet associated control channel is not available, transmitting control data comprising channel measurements via an uplink timeslot allocated for the transmission of the control data, nor does the SDCCH taught by Womack teach the features of claim 35 of a method for transferring uplink control data comprising channel measurements, which method includes, in response to receiving a request for a persistent, packet associated control channel, conveying an allocation of an uplink timeslot for use in transmitting control data comprising channel measurements when a packet associated control channel is not available. Accordingly, the applicants respectfully request that claims 33 and 35 may now be passed to allowance.

Claim 34 provides that transmitting the control data when a packet associated control channel is not available comprises transmitting the control data via a virtual associated control channel that comprises at least one timeslot allocated by a network for transmission of the control data. As noted above, the SDCCH taught by Womack cannot be used to provide a virtual control channel. Claim 36 provides for conveying an allocation of a timeslot comprises, in response to receiving the request, conveying a

mobile station USF assignment and an assigned timeslot number. As noted above, since the SDCCH taught by Womack is a dedicated channel there is no need to send a flag and, further, there is no associated channel to send the flag in. For these reasons, and since claims 34 and 36 respectively depend upon allowable claims 33 and 35, the applicants respectfully request that claims 34 and 36 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,
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